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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/830,920   | 07/31/2001  | Satoshi Kondo        | 60188-520           | 5216             |
| 20277  | 7590        | 06/14/2006           | EXAMINER            |                  |
| MCDERMOTT WILL & EMERY LLP<br>600 13TH STREET, N.W.<br>WASHINGTON, DC 20005-3096 |             |                      | FLETCHER, JAMES A   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2621                |                  |

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                          |                        |                     |  |
|--------------------------|------------------------|---------------------|--|
| <b>Interview Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                          | 09/830,920             | KONDO, SATOSHI      |  |
|                          | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                          | James A. Fletcher      | 2621                |  |

All participants (applicant, applicant's representative, PTO personnel):

- (1) James A. Fletcher; USPTO. (3) \_\_\_\_\_.  
 (2) Qian Huang; A/R. (4) \_\_\_\_\_.

Date of Interview: 09-24 May 2006.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1,4,8 and 9.

Identification of prior art discussed: Magee (5,835,493).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached continuation sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**James J. Groody**  
 Supervisory Patent Examiner  
 Art Unit 262 262

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: A/R Huang noted that the client will be filing a RCE but was looking for advice in making the independent claims allowable over the cited prior art. Examiner Fletcher noted that Magee was directed to a server multiplexing multiple program streams, where the application was directed toward a single stream for the purpose of reducing the amount of data in applications where high resolution was less important than storage capacity or bandwidth, and recommended that a description of a single stream of image data being reduced would differentiate the application from Magee.

A/R Huang also noted that the bit rate conversion in the application occurs in the compressed frequency domain, whereas the bit rate conversion in Magee occurs in the image domain. Examiner Fletcher suggested the addition of the description of the bit stream as being compressed would overcome the citation in Magee.

A/R Huang agreed that the two suggestions would help differentiate the application from the prior art and would not unduly limit the claims, and would present the suggestions to the client.

On 10 May 2006, A/R Huang called the Examiner and said that she felt the suggestions made by him were inherent in the existing claim recitations. The transport streams recited were inherently in the compressed frequency domain, and Magee's reference to

D1 is not a transport stream. Examiner Fletcher noted that the D1 input was inherently a transport stream, since it was transporting a sequence of bits over a transporting medium.

A/R Huang disagreed, stating that the D1 being referred to in Magee was simply a reference designator. Examiner Fletcher attempted to explain that D1 was a standard of video recording and transport known to those of skill in the art, and as a bit stream comprising video necessarily contained information that would identify packets in that stream to the receiving device. The examiner cited a definition from the Internet that showed D1 to be a bit stream, but A/R Huang was not convinced that it would contain data that could be construed as packet header data.

Examiner Fletcher said that he would obtain a specification for the D1 stream from the STIC, but was unable to give a date when it would be available. Examiner Fletcher contacted the STIC to obtain a copy of ITU-R BT.656-4. The STIC did not have it in their files and ordered it for the Examiner.

On 23 May 2006, Examiner Fletcher received the copy of the ITU specification and noted that it clearly divides the signal into a time-division multiplexed combination of luminance and chrominance signals, as well as having clearly identified "start of video" and "end of video" data packages at the beginning and ending of each frame. He called A/R Huang about this discovery, and left a voice mail message.

A/R Huang returned the Examiner's call. During that call, she expressed the opinion that the term "compressed" should not be added to the claim's recitation of the incoming signal, because that meant an inherent reduction in bit count, which could not be guaranteed. The Examiner acknowledged the point, and both he and A/R Huang would try to see if there were any other possible ways of describing the incoming signal to differentiate it from the D1 disclosed by Magee, and discuss them in the morning.

On 24 May 2006, A/R Huang called the Examiner. Examiner Fletcher noted that they could include the negative limitation that the signal was not D1. A/R Huang rejected the idea, saying there was no support for it.

Examiner Fletcher also noted that they could include a limitation of a digital signal received through a tuner, since D1 is rarely broadcast for public use, but A/R Huang felt that the tuner was insignificant to the invention and rejected that idea as well.

Examiner Fletcher noted that they had already rejected the idea of including the limitation of the signal being MPEG, even though it is the only signal for which there is support in the specification, since the client also wanted to be able to apply the invention to H.264.

A/R Huang suggested a conference including the Examiner's supervisor. Examiner Fletcher agreed to that, and attempted to contact his supervisor. When he was not available, the Examiner contacted Primary Examiner Boccio, who was familiar with the case, and agreed to a telephone meeting at 3PM.

At 3:05 PM, A/R Huang called the Examiner, and she and Primary Examiner Boccio discussed the meets and bounds of the various terms in the claim, and how they might be overcome by a minimal narrowing of the description of the signal being processed by the invention. Eventually, Examiner Fletcher made the suggestion that the signal description be narrowed by adding the term "processed by a digital compression algorithm." This was felt adequate to differentiate the signal from D1, but without adding the requirement for an actual reduction in bit rate implied by the term "compressed" by the Examiners and by the Applicant's Representative. A/R Huang said that she would submit the change to the client for approval.